

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALESSANDRA JULIETTA ROVITO,

Plaintiff,

v.

MATHER DEPARTMENT OF
VETERANS AFFAIRS MEDICAL
CENTER,

Defendant.

No. 2:22-cv-00529-DAD-JDP (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT'S MOTION TO DISMISS
WITH LEAVE TO AMEND

(Doc. Nos. 3, 9)

Plaintiff Alessandra Julietta Rovito is proceeding *pro se* in this civil action, which defendant removed to this federal court on March 22, 2022. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 14, 2023, the assigned magistrate judge issued findings and recommendations recommending that the motion to dismiss filed on behalf of defendant (Doc. No. 3) be granted and that plaintiff's complaint be dismissed with leave to amend. (Doc. No. 9.) The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 4.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly:

- 5 1. The findings and recommendations issued on February 14, 2023 (Doc. No. 9) are
6 adopted in full;
- 7 2. Defendant's motion to dismiss (Doc. No. 3) is granted;
- 8 3. Plaintiff's complaint is dismissed, with leave to amend;
- 9 4. Within thirty (30) days from the date of this order, plaintiff may file a first
10 amended complaint;
- 11 5. Plaintiff is advised that her failure to file a first amended complaint within the time
12 provided will result in the dismissal of this action; and
- 13 6. This action is referred back to the assigned magistrate judge for further
14 proceedings.

15 IT IS SO ORDERED.

16 Dated: March 14, 2023

17 
UNITED STATES DISTRICT JUDGE